



FAIR POLITICAL PRACTICES COMMISSION

428 J Street • Suite 620 • Sacramento, CA 95814-2329

(916) 322-5660 • Fax (916) 322-0886

April 22, 2014

Ralph Merletti
Assembly Candidate

REDACTED

Warning Letter Re: FPPC No. 14/304; Ralph Merletti

Dear Mr. Merletti:

The Fair Political Practices Commission (the "FPPC") enforces the provisions of the Political Reform Act (the "Act"),¹ found in Government Code Section 81000, et seq. This letter is in response to your self-reported potential violation that alleged violations of the Act's campaign provisions. We are closing this matter with a warning letter.

You notified the Enforcement Division that you had accepted contributions prior to filing the Form 501, failed to deposit those contributions into your campaign bank account prior to making campaign expenditures, and you accepted a cash contribution.

The Act requires candidates prior to the solicitation or receipt of any contribution to file a candidate intention statement, Form 501, and for all campaign funds to be first deposited into a campaign bank account prior to making campaign expenditures. (Sections 85200 and 85201.) Furthermore, the Act prohibits the acceptance of cash contributions of \$100 or more. (Section 84300.)

Your actions violated the Act because you failed to file the candidate intention statement prior to accepting the contributions in violation of Section 85200, failed to deposit campaign funds into a campaign bank account prior to making the expenditures as required by Section 85201, and you accepted a cash contribution over the \$100 prohibition set forth in Section 84300. However, because you self-reported, had not yet reached the \$1,000 threshold to qualify as a committee, and you do not have an enforcement history, we are closing this matter with a warning.

¹ The Political Reform Act is contained in Government Code Sections 81000 through 91014. All statutory references are to the Government Code, unless otherwise indicated. The regulations of the Fair Political Practices Commission are contained in Sections 18110 through 18997 of Title 2 of the California Code of Regulations. All regulatory references are to Title 2, Division 6 of the California Code of Regulations, unless otherwise indicated.

This letter serves as a written warning. The information in this matter will be retained and may be considered should an enforcement action become necessary based on newly discovered information or future conduct. Failure to comply with the provisions of the Act in the future will result in monetary penalties of up to \$5,000 for each violation.

A warning letter is an FPPC case resolution without administrative prosecution or fine. However, the warning letter resolution does not provide you with the opportunity for a probable cause hearing or hearing before an Administrative Law Judge or the Fair Political Practices Commission. If you wish to avail yourself of these proceedings by requesting that your case proceed with prosecution rather than a warning, please notify us within ten (10) days from the date of this letter. Upon this notification, the FPPC will rescind this warning letter and proceed with administrative prosecution of this case. If we do not receive such notification, this warning letter will be posted on the FPPC's website ten (10) days from the date of this letter.

Please feel free to contact Teri Rindahl at 916.327.2018 with any questions you may have regarding this letter.

Sincerely,

 **REDACTED**
Gary S. Winuk, Chief
Enforcement Division

GSW/tr